

REMARKS

By way of this response, claims 1, 15, and 28 have been amended for clarity. Claims 1, 2, 4-11, 15, 28, and 29 remain pending and at issue, with claims 1, 15, and 28 being independent. In view of the foregoing amendments and the following remarks, the applicants respectfully request reconsideration of this application.

Examiner Interview and the Rejection under 35 U.S.C. § 112

Claims 1, 2, 4-11, 15, and 28-29 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

I would like to express my appreciation to Examiner Redman for briefly discussing the Office action with me on February 1st. That interview centered around the §112, second paragraph rejection of the language from the previous amendment regarding the orientation of “a ray” relative to the first sealing surface in the independent claims. The Examiner considered the reference to the ray extending “orthogonally” to the surface indefinite because it was not clear from where on the surface the ray was originating. In that circumstance, and in the event of non-uniformities in the surface, different “orthogonal rays” could be extending in different directions. It was then agreed that all rays orthogonal to a given plane point in the same direction (i.e. they are all parallel to each other and perpendicular to the plane). Accordingly, by describing the sealing surface as “defining” a plane, the language about “a ray orthogonal to the plane” is rendered definite because all such rays point in the same direction. It was thus agreed that the §112 rejection could be overcome by amending the claims to state that the first sealing surface defines a plane, and that the ray is orthogonal to that plane. Such amendments have now been made to the 3 independent claims 1, 15 and 28.

The foregoing should eliminate any rejection under 35 U.S.C. §112 that may have been proper.

The Rejections under 35 U.S.C. § 102

Claims 1, 2, 7-11, 15, 28, and 29 were rejected as anticipated by Allen (U.S. Patent No. 5,899,303) and claims 4-6 were rejected as unpatentable over Allen in view of Clark (U.S. Patent No. 2,878,532). These rejections were maintained from the previous Office Action. According to the examiner, the arguments put forth in the previous response were not understood because of the alleged indefiniteness issue regarding the “ray”. Because that issue has now been resolved by amendment, the argument should now be understandable to the examiner. Accordingly, it is respectfully submitted that all claims are allowable over the prior art of record for the reasons previously advanced and now set forth below.

The applicants have amended independent claims 1, 15, and 28, to clarify that which was implicit in the original claim language. As amended, the independent claims are generally directed to a door for at least partially covering a doorway defined by a wall and a lower surface, wherein a ray orthogonal to a plane defined by a first sealing surface intersects the surface of a first door panel. In particular, independent claim 1 includes a first seal including a sealing surface defining a plane and interposed between a first attachment end of the first seal and a first distal end of the first seal and a second seal interposed between a second attachment end of the second seal and a second distal end of the second seal. The first sealing surface is located such that a ray orthogonal to the plane defined by the sealing surface intersects the surface of the door panel. With this orientation of the first sealing surface – in which it faces toward the panel face to which it is attached – the first seal and second seal can engage each other in the overlapping relationship shown for example in Figs. 6-8 of the application. Rather than claiming this overlapping sealing relationship, applicants have focused on novel elements of the design of each of the seals that allow such a sealing relationship – thus the amended language regarding the orientation of the plane defined by the first sealing surface.

Independent claim 15 includes a first seal having a first sealing surface defining a plane and that faces the surface of the first door panel so that a ray orthogonal to the plane defined by the first sealing surface intersects the surface of the first door panel. Independent claim 28 recites a first sealing surface defining a plane and that faces and is spaced from the surface of the first door panel and arranged such that a ray orthogonal to the plane defined by the first sealing surface intersects the surface of the first door panel.

While Allen generally teaches the use of seals in connection with translating door panels, Allen fails to disclose the seal and door panel configuration recited in claim 1. In particular, among other deficiencies, Allen fails to disclose a seal attached to the first door panel so that a ray orthogonal to the plane defined by the first sealing surface intersects the surface of the first door panel. On the contrary, the examples referenced in the Office action (i.e., FIGS. 10A, 10B, 12A, and 12B of Allen) illustrate first seals having sealing surfaces which are oriented such that a ray orthogonal to the plane defined by the sealing surface would either point perpendicularly away from the surface of the panel (Figs. 10), or extend parallel to the surface of the panel (Figs. 12) - but in neither case would such rays intersect the face of the panel. In the case of Figs. 10A and 10B, the sealing surface for the first seal on panel 88 is the right-hand face that is parallel to the surface of the panel, and which engages the second seal 104. A ray starting at the right-hand face and extending orthogonally away from that face would point away from the surface of the panel – and thus never intersect the panel as required in the claims. In the Allen example of Figs. 12A and B, the Office Action identified the first seal as corresponding to the seal 126. The first sealing surface of the seal 126 is the left hand face which is oriented perpendicular to the surface of the associated door panel. Accordingly, a ray drawn orthogonally to the plane defined by that left-hand surface of seal 126, would extend parallel to the surface of the door panel – and thus never intersect the panel as required in the claims. Because the first sealing surfaces in Allen

are oriented such that orthogonal rays extending from their faces can never intersect the surface of the associated panels, those surfaces in Allen cannot read on the claim limitation requiring exactly the opposite.

Thus, it is clear from the foregoing, that Allen fails to disclose at least the seal configuration recited in claim 1 and, thus, fails to disclose every limitation recited in claim 1. As a result, Allen fails to anticipate the apparatus recited in claim 1. Accordingly, the applicants respectfully request the withdrawal of the anticipation rejection of claim 1 based on Allen and submit that claim 1 and claims 2 and 4-11 dependent thereon are now in condition for allowance.

The remaining independent claims 15 and 28 are allowable for at least the reason that Allen does not describe a sealing surface arranged so that an orthogonal ray intersects the surface of the door panel as set forth above in connection with claim 1. Accordingly, claims 15, 28, and 29 are also in condition for allowance.


Given the above-asserted allowability of the independent claims, the separate obviousness rejection of claims 4-6 is not separately argued herein.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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